

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

KEITH RICHARDSON,)	
)	
Petitioner,)	
v.)	Civil Action No. 22-376
)	
ORLANDO HARPER, et al.,)	
)	
Respondent.)	

MEMORANDUM ORDER

Keith Richardson (Petitioner) has filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254. The case was referred to Magistrate Judge Lisa Pupo Lenihan in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Local Civil Rules 72.C and D. Magistrate Judge Lenihan issued a Report and Recommendation filed June 1, 2022, recommending that Petitioner's action be dismissed without prejudice because the claims asserted are not cognizable in a federal habeas proceeding and without prejudice to him asserting his claims in a properly supported § 1983 action. ECF No. 12. Petitioner was informed that in accordance with 28 U.S.C. § 636(b)(1)(B) and (C), and Local Rule of Court 72.D.2, and that objections to the Report and Recommendation were due by June 21, 2021. Petitioner has not filed Objections.

After de novo review of the pleadings and the documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 27th day of June 2022,

IT IS ORDERED that the Report and Recommendation, ECF No. 12, filed on June 1, 2022, by Magistrate Judge Lenihan, is adopted as the Opinion of the Court.

IT IS FURTHER ORDERED that the claims asserted are dismissed without prejudice to Petitioner's ability to assert his claims in a properly supported § 1983 action;

A certificate of appealability is DENIED, as jurists of reason would not disagree with the analysis of the Report.

IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if the petitioner desires to appeal from this Order he must do so within thirty days by filing a notice of appeal as provided in Rule 3, Fed. R. App. P.

s/Marilyn J. Horan
Marilyn J. Horan
United States District Court Judge

cc: Keith Richardson, pro se
5999
Allegheny County Jail
950 Second Avenue
Pittsburgh, PA 15219